

Case No. DC-20-01121

ALAN SEVADJIAN,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
v.	§	
	§	
TEXAS DEPARTMENT OF	§	
MOTOR VEHICLES,	§	
Defendant,	§	
	§	
v.	§	
	§	
JOHN FRANKLIN COOLEY, JR.	§	
Intervenor,	§	14TH JUDICIAL DISTRICT
	§	
<i>CONSOLIDATED WITH</i>	§	
	§	
FRANCK RADENNE,	§	
Plaintiff,	§	
	§	
v.	§	
	§	
DUNTOV MOTOR COMPANY, LLC,	§	
ALAN SEVADJIAN, and	§	
EDWARD SEVADJIAN,	§	
Defendants.	§	DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL ANSWER
TO INTERVENOR'S ORIGINAL PETITION IN INTERVENTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ALAN SEVADJIAN, Plaintiff, and files this Original Answer to Intervenor's Original Petition, and by way of answer shows:

1. Plaintiff ALAN SEVADJIAN denies generally each and every allegation contained in Intervenor's Petition and demands strict proof by a preponderance of the credible evidence.

AFFIRMATIVE DEFENSES

2. For further answer, if any is necessary, Plaintiff asserts the following affirmative defenses against Intervenor JOHN FRANKLIN COOLEY, JR.



3. **Proportional responsibility.** Plaintiff is not liable for the acts alleged in Intervenor's Petition in that one or more responsible third parties were at fault and caused the claimed damages.

4. **Laches.** Intervenor's equitable claims should be barred by the doctrine of laches in that Intervenor's unreasonable delay in bringing the claims caused Plaintiff's change of position in good faith and to its detriment thereby impairing its right to pursue a right or defense.

5. **License.** The Intervenor's claims are barred under the doctrine of license in that Plaintiff was given the legal right to the use of a good or property for which Intervenor now sues.

6. **Statute of limitations.** Plaintiff is not liable for the acts alleged in Intervenor's Petition because Intervenor's claims are barred by the statute of limitations.

7. **Waiver.** Plaintiff affirmatively pleads that between the years of approximately 1981 through present, Intervenor with knowledge that he allegedly possessed a right to the vehicle subject of this suit, intentionally waived the right by expressly relinquishing it or acting in a manner inconsistent with an intent to claim the right, in that Intervenor did not diligently pursue recovery of his alleged vehicle. Consequently, Intervenor has waived the right to seek possession and/or ownership of the vehicle subject of this suit as sought in his Petition.

8. **One Satisfaction Rule.** Plaintiff affirmatively alleges that Intervenor has suffered only one alleged injury and therefore can recover only one satisfaction for damages arising from that injury. Intervenor is thus barred from recovering more than the amount required for full satisfaction of his alleged damages.

PRAYER

WHEREFORE, Plaintiff ALAN SEVADJIAN requests judgment of the Court that Intervenor JOHN FRANKLIN COOLEY, JR., take nothing by this suit, and that Plaintiff recover all costs incurred in defense of Intervenor's claim, attorney fees, and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully Submitted,

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing has, on this 27th day of April, 2020, been sent in accordance with Rule 21a via electronic delivery to:

Email address: mayson.pearson@txdmv.gov

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